

Notice of Allowability	Application No.	Applicant(s)
	10/051,781	TSUI, PHILIP Y.W.
	Examiner Lana N Le	Art Unit 2685

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. This communication is responsive to 04/01/05.
2. The allowed claim(s) is/are 1 and 3-22.
3. The drawings filed on 12 April 2005 are accepted by the Examiner.
4. Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All
 - b) Some*
 - c) None
 of the:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) hereto or 2) to Paper No./Mail Date _____.
 - (b) including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. Notice of References Cited (PTO-892)
2. Notice of Draftperson's Patent Drawing Review (PTO-948)
3. Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____.
4. Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. Notice of Informal Patent Application (PTO-152)
6. Interview Summary (PTO-413),
Paper No./Mail Date _____.
7. Examiner's Amendment/Comment
8. Examiner's Statement of Reasons for Allowance
9. Other _____.

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.
2. Authorization for this examiner's amendment was given in a telephone interview with applicant's representative, Jonathan Lindsay, on 6/07/05.

In the Claims:

- in claim 1, line 5, before "digital", add ---discrete---;
- in claim 15, line 3, before "radio", delete "an" and add ---a---;
- in claim 15, line 6, line 6, before "target", delete "a" and add --the---;
- in claim 15, line 6, before "modulation", delete "a" and add --the---;
- in claim 17, line 2, before "modulation", add ---the---;
- in claim 18, line 1, before "transmitting", add --the---;
- in claim 18, line 1, after "transmitting", add --the local RF signal---;
- in claim 21, line 2, after "predetermined", delete "values" and add --amounts--;
- in claim 22, line 3, before "target", delete "the' and add ---a---;
- in claim 22, line 3, before "modulation", add ---a---;
- in claim 22, line 8, before "scanning", add --discrete---;
- in claim 22, line 10, before "target", delete "a" and add --the---;
- in claim 22, line 10, before "modulation", add --the---;

REASON FOR ALLOWANCE

3. Claims 1 and 3-22 are allowable over the cited prior art.
4. The following is an examiner's statement of reasons for allowance:

Regarding independent claim 1, it has amended to include the allowable subject matter of the objected claim 2 for the reason as set forth in the allowable subject matter of the previous office action, filed 11/30/04, pages 7-8.

Regarding independent claim 22, it has amended to include the allowable subject matter of the objected claim 23 for the reason as set forth in the allowable subject matter of the previous office action, filed 11/30/04, page 8, line 15 – page 9, line 15.

Regarding independent claim 15, Eisfeld (US 5,790,948) discloses a method of learning a target frequency and modulation pattern of a template transmitter (11; fig. 1), comprising:

transmitting, by an radio frequency (RF) circuit (10a-10n of fig. 1; col 3, lines 46-58; 18a-18n of fig. 5), a local RF signal at a lower scanning frequency at antenna 118 (fig. 5; col 5, lines 41-52),

Tigwell (US 6,021,319) discloses:

a method of learning a target frequency and modulation pattern of a template transmitter concurrently receiving via antenna 109' and mixing via mixer 114, by an input circuit (109', 113') (not shown in figure 1B but similar to 102 of fig. 1A; col 8, lines 62-66; col 5, lines 18-20), the local RF signal and a template RF signal including a

target frequency and a modulation pattern, to provide an output signal at output of 114 (col 8, lines 44-50).

However, Eisfeld, Tigwell, and the cited prior art combined fail to disclose:

incrementally increasing the scanning frequency of the local RF signal, by a first predetermined amount, until a magnitude of the output signal that is above a first threshold value is detected;

incrementally increasing the scanning frequency of the local RF signal, by a second predetermined amount, until the magnitude of the output signal falls to or below a second threshold value;

storing the current scanning frequency as a first frequency;

increase the scanning frequency of the local RF signal by a third predetermined amount;

incrementally decreasing the scanning frequency of the local RF signal, by a fourth predetermined amount, until the magnitude of the output signal falls to or below a third threshold value;

storing the current scanning frequency as a second frequency.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Kazami (US 5,864,751), System for Programming a Radio Receiver.
- Dykema (US 5,854,593), Dykema et al, Fast Scan Trainable Transmitter.
- Wang et al (US 6,265,987), Remote Control Device with Learning Function.
- Dykema (US 5,442,340), Trainable RF Transmitter Including Attenuation Control.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lana N Le whose telephone number is (703) 308-5836. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward F Urban can be reached on (703) 305-4385. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Lana Le

June 07, 2005